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LETTER DATED 31 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith letter No. WKh/MT/1-1/16 dated 27 December 1992 addressed to you by Mr. Ali Ahmed Sahloul, Minister for Foreign Affairs of the Republic of the Sudan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ahmed SULIMAN
Ambassador
Permanent Representative

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Annex

Letter dated 27 December 1992 from the Minister for Foreign Affairs of the Sudan addressed to the President of the Security Council

I should like to refer to the address by the Permanent Representative of the Republic of the Sudan before the Security Council on 20 February 1958 (S/Agenda/813) concerning the Republic of the Sudan's boundary with the Arab Republic of Egypt in the area adjoining the Sudanese governorate of Halayib, which was a part of the Sudan before the Anglo-Egyptian Condominium and which remained under Sudanese sovereignty after independence in 1956. The above-mentioned address contains the Sudan's complaint against Egyptian military intervention in that area. Although the problem was contained by restoration of the status quo ante through Egypt's withdrawal of its forces from the area, so that it was left under Sudanese administration, the problem has arisen anew whenever there has been misunderstanding and a divergence of viewpoint between the two countries regarding certain national and regional issues and questions. For about a year, the Egyptian Government has been taking measures that the Government of the Sudan regards as aimed at a gradual change of identity and situation in the Sudanese area of Halayib so that the area will eventually become subject to Egypt. The greatest and most serious of those developments was the blatant aggression committed by the Egyptian forces that infiltrated 28 kilometres into Sudanese territory on 9 December 1992 south of the Sudanese town of Halayib in Halayib governorate and on the highway linking it to Port Sudan. This force, led by a lieutenant-colonel and supplied with vehicles and weapons, set up a number of camps in Sudanese territory. In the evening of the same day, another Egyptian force proceeded into Sudanese territory and established itself 3 kilometres to the south of the town of Halayib, imposing a total blockade on the town. It also surrounded Sudanese military posts located in the area. These forces, which now number more than 600 men and one officer, have halted at latitude 22' N and have set up along the line of latitude a number of camps and boundary markers with "the Sudan" written on the southern side and "Egypt" on the northern side.

Halayib governorate is, as we have said, Sudanese territory. Its area is approximately 18,000 square kilometres, and it lies to the north of the 22nd parallel. The eastern side extends in the form of a triangle from the coast of the Red Sea to the town of Shalatein in the north and approximately 58 kilometres to the south-west as far as Bi'r Maniqah and Jabal al-Dayqah and to the south as far as Jabal Umm al-Tuyur al-Fawqani. This region is inhabited by the Bisharin tribes and some of the Amrar and Ababda tribes.

Sudan's complaint to your esteemed Council in 1958 set forth the details of the problem, which began when the Sudan received a note from the Egyptian Government alleging that the inclusion of the region lying on the Red Sea coast above the 22nd parallel in the Sudanese electoral district for that year's elections conflicted with the January 1899 agreement between Egypt and

Great Britain and constituted a violation of Egyptian sovereignty. In its note, the Egyptian Government called for the eradication of the existing boundary - which had been established by decisions of the Ministry of the Interior of Egypt itself on 26 March 1899, 4 November 1902 and 1907 - on the grounds that it was an administrative boundary. Egypt called for a return to the agreement of January 1899, on the grounds that it was decisive with regard to the political boundary between Egypt and the Sudan. Egypt followed up that note with another transmitting its decision to have the inhabitants of the Halayib region participate in the referendum for the presidency of the United Arab Republic. The Sudanese Government was forced to have recourse to your esteemed Council in February 1958 in order to deal with the grave situation that had arisen as a result of Egypt's mobilizing military forces on the common frontier, lest the matter develop into an armed conflict between the two States.

We would point out that the Sudan, before having recourse to the Security Council, had proposed to Egypt that consideration of the boundary question should be deferred until after the holding of the 1958 Sudanese elections and that the elections should be held in the disputed area with the Government of the Sudan undertaking not to take that as proof of its sovereignty over those areas. Egypt rejected our proposal and urged that elections should not be held in the above-mentioned areas. The Sudan made that proposal, desiring to deal with the problem in the light of the international covenants governing relations between States, in particular the United Nations Charter, the Charter of the Organization of African Unity and the Pact of the League of Arab States, all of which urge that any disputes arising among States should be settled by peaceful means and prohibit the use of force to settle disputes.

As you know, and as the documents of the Organization show, the Security Council met on 11 February 1958 to consider Sudan's complaint. However, the representative of Egypt to the United Nations announced that his Government had agreed to defer the boundary question until after the Sudanese elections. In fact, elections were held in the Halayib area, and a representative for the Halayib constituency was elected to the Sudanese Parliament in 1958. All the elections held in the Sudan since then have included the Halayib area. Egypt did not revive the dispute after that date. It appeared to have accepted the current situation in Halayib, and the Sudan continued to exercise the rights of sovereignty and administration over the area, on the basis of a clear legal right. However, in spite of that, Egypt continued to play the Halayib card whenever disputes arose between the two countries. When the Sudan recently granted petroleum drilling rights in Halayib governorate to a Canadian company and permitted a Japanese archaeological mission to operate in the governorate, Egypt's claims of sovereignty over Halayib and Shalatein were renewed in an attempt to divest the Sudan of its sovereignty over the natural and other resources of the area. The gravest of the Egyptian measures following that was the introduction of 20 armed men from the Egyptian security forces and their deployment in the streets of the Sudanese village of Abu Ramad in the area. This measure was preceded, on 4 April 1992, by the occurrence of armed aggression against the police forces, which resulted in the death of two men and the wounding of five.

Following these developments, the Sudanese Government, seeking to contain and deal with anything that might be prejudicial to the cause of Sudanese-Egyptian relations, tried to convene a meeting at the highest possible level between representatives of the two countries. In February 1992, the Sudan dispatched Major-General Zubair Muhammad Salih (General Staff), Vice-President of the Revolutionary Command Council and of the Council of Ministers, to Cairo, where he met with President Hosni Mubarak, President of the Arab Republic of Egypt. At the meeting, agreement was reached on the establishment of a Joint Commission headed by the Under-Secretaries of State for Foreign Affairs of the two countries to consider and resolve the problem of Halayib. The Sudan accepted the establishment of this Commission because of its sincere desire to arrive at a peaceful, decisive and lasting settlement of this problem that would give both countries an opportunity to embark on a more cordial phase in their bilateral relations and cooperation.

The Commission held its first meeting in Khartoum in March 1992 and its second meeting in Cairo in October of the same year. The second meeting resulted in minutes containing agreement on the following:

1. Avoidance of anything likely to disrupt relations, an effort to ensure propitious circumstances for the development of relations and activation of the machinery for joint endeavour, making no change in the existing situation in Halayib until agreement was reached between the two countries.

2. The continuation of periodic meetings of the Commission at close intervals. The Commission should have an active role in resolving the border questions.

3. Definition of the legal points in dispute for discussion at subsequent meetings.

4. Establishment of a Joint Liaison Committee to follow up the situation and deal with any developments.

5. The convening of a third meeting of the Commission in Khartoum in January 1993.

The Sudanese Government believed that what was agreed on at the meetings of the Joint Commission, as well as the two meetings held by the Vice-President of the Revolutionary Command Council and the Council of Ministers of the Republic of the Sudan and the President of Egypt in February and October 1992, and the meeting of the Ministers for Foreign Affairs of the two countries at Jakarta in June 1992, had brought the problem closer to a solution in a way that reflected the spirit of brotherhood between the two countries. However, the Sudan was surprised at the Egyptian forces' aggression against Halayib governorate, as we stated at the beginning of this note, for this conflicts with the spirit of the agreement reached between the

two parties for consideration and resolution of the problem by friendly means and within the framework of the Joint Commission established specifically for this purpose.

The Sudanese Government, which sees no alternative but to refer the matter once again to your esteemed Council, the Organization of African Unity and the League of Arab States, wishes to inform you and the esteemed members of the Security Council of these grave developments that threaten the security and territorial integrity of the region, in order that you may make the necessary efforts to ensure the immediate withdrawal of the military and civilian Egyptian forces from Halayib governorate and restore the situation there to its former state. We also hope that the Council will circulate this note to all States Members of the international Organization.

(Signed) Ali Ahmad SAHLOUL
Minister for Foreign Affairs
of the Republic of the Sudan